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## **LACK OF AMANAH (TRUST) AND ITS IMPLICATIONS IN GOVERNANCE: ISSUES OF CORRUPTION IN MALAYSIA**

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**Abstract:** The study examines the concept of Amanah (Trust) as spinal-quality of leadership for administering the works of governance. It looks into behavior the leaders could turn out to have if trust is violated. Through analytical and inductive study of the corruption cases in the Malaysian Public Sector 2008-2018 the finding warrant the important roles Amanah (Trust) plays in keeping the integrity of the governance intact for the well-being of the state. The findings show that unchecked power lures to indiscriminate violation of trust. The study therefore proposes strict measures to control abuse and excessive power entrusted to the leaders such as decentralization of authority and strengthening the power of the anti-corruption institution.

**Keywords:** *Amanah* (Trust), Governance, Corruption, Anti-corruption Institution.

### **Background of the Study**

Malaysia with estimated 32.04 million people in 2018 (World Population Review) is one of the fast growing economies in Asia, bordering Brunei, Thailand, and Indonesia. A number of political leaders ruled the country since its independence such as Tunku Abdul Rahman 1963-1970, Tun Abdul Razak Hussein 1970-1976, Tun Onn Hussein 1976-1981, Tun Dr. Mahathir Mohamad 1981-2003, Tun Abdullah Ahmad Badawi 2003-2009, Dato Sri Najib Razaq 2009-2018, and taking the baton again Tun Dr Mahathir Mohamed 2018.

This research is based on the important role the concept of Amanah plays in the status of a particular leadership. We need to make it clear in this study that the government of any country, the leadership of any organization even the leadership in the family is based on the Amanah (Trust) placed on the leadership as the main source of integrity that earns every leader the respect and obedience of those who pledge to him. This leads to the concept of “call and obey” between a leader and the subordinates. The moment the Amanah is compromised, there opens up a crack in the cemented social contract that authorizes the leader to command for the obedience of the followers. This research answers two questions in order to discover the implications of Amanah in governance:

- (1) What is meant by the concept of Amanah in Governance (Trust)?
- (2) What is the implication of lack of Amanah (al-Khiyanah) in governance in the context of Malaysia in the recent time?

The objective of the study respectively is to discover the implications of Amanah in Governance and outcome of its laxity in governance would reveal the implication of Khiyanah the anti-thesis of Amanah.

### **Literature review**

Many studies have been published on Amanah (Trust) and the governance by public institution but the approach established in this study is to examine the core importance of Amanah when it is deficient in governance. This invigorates Amanah's roles, considering the dramatic turning point in the people's choice of leadership as an implication of the disappearance of Amanah and how it degenerated following a level of perceived monumental public sector corruption record in the history of Malaysia; a leading South East Asian economic vibrant nation. Actually, there can hardly be any trust in existence when transparency is not exhibit in leadership. Mabilard and Pasquier 2014 investigate in a study the relationship between disclosure of information, and found that the, using open data indexes and access to information requests as proxies for transparency, implication of the citizens and their level of trust. Siddiquee (2007) posits that accountability means answerability that refers to holding the public servants responsible for their actions and performance. He refers to it as one of the hallmarks of democratic

society and good governance. Since democracy essentially means the sovereignty of the people, the holders of public office are to remain accountable to the people for their actions, policies, and performance otherwise; it is widely believed that trust is being economized by the leaders. This development may translate to equity as the people have done their own part by giving their trust to a ruling government through massive votes at the poll, therefore, it is highly imperative on the leadership side to surrender trust to the people through transparent administrative activities and open governance. In the case of Malaysian political activities, some issues unveiled were contradictory to the veracity of Amanah and that made the ruling government vulnerable at the Malaysia 14th General Elections in 2018.

Bligh (2017) notes that Trust known as Amanah in Arabic language is a dynamic, interpersonal link between people, with unique implications in all works of life. Trust is an expectation or belief that one can rely on another person's actions and words and that the person has good intentions to carry out their promises. Bligh (2017) critically affirms in his study that as a leader, "you must consistently demonstrate behaviors that promote trust, such as consistency, integrity, concern, and benevolence." So far, trust has mainly been addressed as a psychosocial aspect. Studies in diverse scientific fields (human sciences, philosophy, psychology, management, etc.), it is usually considered as having a positive impact on social relations (Giddens, 1984). In spite of the consensus about beneficial effects of trust, there is no commonly agreed definition. In this respect, Blomqvist (1997) affirms that "there is still a good deal of conceptual confusion and there has been no real conceptual development regarding trust, although, in some studies a definition of trust is given and in others merely implied." Siddiquee (2007) perceived that a public office is seen as a trust (amanah) therefore, public officials are required to follow the will of the people they are serving, discharge their responsibilities with the highest degree of honesty, integrity, and efficiency.

Mabillard and Pasquier (2016) researched on the association between transparency and trust in government. The duo asked two hypothetical questions: that "does more administrative transparency brings about more trust from the citizens?" And "does transparency result from low levels of trust in government?" These two questions show the ambiguity of the relationship between the two concepts: transparency and trust. On the one hand, it is hypothesized that transparency has an effect on trust, always perceived by practitioners as being positive (Grimmelikhuijsen, 2012). On the other hand, trust in government can also be a driver of transparency, not only an objective, depending on the theoretical approach selected (Bouckaert, 2012). In this sense, initial levels of trust can foster transparency reforms, because people are more willing to open themselves and the government activity to public scrutiny if levels of trust are high. On the citizens' side, high or low levels of

trust may positively or negatively affect individual perceptions of administrative transparency. In other words, “one could argue that trust in government is also a prerequisite to believe in the information gathered. In other words, faith of a person is indispensable to believe what the other person says in the first place” (Mabillard & Pasquier, 2015).

In the religious perspectives, trust has been regarded as a dutiful and unavoidable concept for operating justice between and among the human beings and other creature. The example is palpable when Allah said to Prophet David in the Glorious Quran 38:26 that:

O David, surely We have made thee a ruler in the land; so judge between men justly and follow not desire, lest it lead thee astray from the path of Allah. Those who go astray from the path of Allah, for them is surely a severe chastisement because they forgot the day of Reckoning. (Al-Qur’an, Saad 38:26)

In relation to Governance, the Quran is not silent on good governance and its importance when Almighty Allah mentioned in the Glorious Quran as cited in (Darwish, Ali Ahmad 2015) that: The Holy Quran describes good governance as the law of justice, a just and principled order and compliance of rights and responsibilities in a society.

The Qur’an declares: “Those when given authority in land, establish (system of) *salah*, give *zakah* and enjoin what is good (*ma’ruf*) and forbid what is wrong (*munkar*). (Al-Qur’an, al-Hajj 22:41)

In the above verse of the glorious Quran, Almighty Allah instructs those in the position of authority to design the system in which the people would not be only worshipping their Creator and giving some of what they are earning to the non-privileged people but would also forbid the wrong behaviours. The last segment of the verse is what many leaders clearly comprehend but intentionally circumvent and did not sincerely carry it out. This made many leaders vulnerable to violation of trust by trampling on the rights of the poor and voiceless people. The Quran further states:

“O you who believe stand up as a witness for Allah in all fairness, and do not let the hatred of people deviate you from justice (*‘adl*). Be just, this is closest to piety. (Al-Qur’an, al-Ma’idah 5:8)

According to the verse above, Allah calls on the Believers to stand as witness in fairness and should fearlessly disregard the power of those in authority to deter them from saying the truth when and where necessary. However today, the fear of losing their job or being targeted as scapegoat who may not have financial prospect to protect himself and family after being fired from his job force the people to look other way when they are expected to witness the just and stand to oppose the wrongs when it is required. The leader in authority may disown the righteous people, force them to resign, sack them or finally

reshuffle the cabinet to legally get rid of them from mainstream politics of governance because they are out for transparency.

Darwish (2011) argued, Islamic view of good governance is qualitative and not mechanical. Major features of good governance can be précised under seven fundamentals:

1. Rules of Law (Al-Shura)
2. Khilafah
3. Accountability
4. Transparency
5. Justice
6. Equity
7. Al-Amr bil ma'ruf wa nahi 'an al-munkar (enjoining the righteousness and forbidding the wrongs)

For instance, Hammudah Abdalati in his scholastic work *Islam in Focus* (1997) deliberates that authority, power and sovereignty belong to none but God, or bless be He in Whose hands is dominion, and He over all things has power (Quran 76: 1).

Verily God does command you to render back your trusts to those whom they are due; and when you judge (or rule) between people that you judge with justice.... (Al-Qur'an, al-Nisa' 4:58)

Governance in its essence as Miller suggested (2013): It is not how well the governing institutions work, but which institutions have been selected to perform governance functions? Which functions are assigned to which institutions can have huge implications for social justice and social equity? The author cited Canada for its well-functioning social housing program, operated by the federal government, until 1993 when federal government ceased all new social housing construction, and in 1996 it got out of social housing provision altogether, handling over that responsibility to the provinces, which in turn handed it over to municipalities which lacked the capacity to maintain significant social housing programs. He notes that in effect, the governance of affordable housing provision was transferred from state institutions to market institutions. (This is the essence of neo-liberalism) But because markets respond to "effective demand" and not need, the supply of affordable housing, declined dramatically and Canada succumbed to a homeless crisis. It's not that the market institutions worked poorly. They worked well, according to the market criteria. But the criteria of markets is based on profit maximization which is very different from the criteria of states, which may adopt a variety of other democratically-determined criteria such as meeting social needs, ensuring social equity, etc. The broader point is that changing the institutional mechanisms by which the provision of affordable housing is governed had huge implications. This is the concept of governance in its explicit meaning.

## **Conceptualization of Amanah and Governance**

### **Amanah:**

It is an Arabic word that means; a concept of trust in English and pointing to the uprightness in personality not only of a leader whose behavior is expected to be of impeccable standard as a role model but the level of trust the followers reposed in him also represents the most important key element of qualities that leadership needs to prove the level of his honesty as well as for guiding himself in order to gain followers' confidence and prevent possible disruption of system in the organization or society he governs.

Robert F. Hurley in David L. Mineo was reported to have conducted a survey in 2002 of 450 executives and his findings showed that 69% of the respondents agreed with the statement, "I just don't know who to trust anymore" (Hurley, 2006). Some scholars defined trust as the willingness of a party to be vulnerable to the actions of another party, based on the expectation that the other party will perform a particular action, irrespective of the trust or ability to monitor or control (Mayer, Davis, & Schoorman, 1995). Mineo argues that trust is the glue that binds the leader to her/his followers and provides the capacity to organizational and leadership success. In any contractual agreement, trust is the main concept that bridges the gap between two or more parties to form partnership on any particular endeavour. It is the loudest voice that parties in agreement understand well and believe in to strengthen self-convincement before partaking in collective responsibility or a solidarity group for positive goals. In governance, it is the lack of trust between the leader and the leaded that forms the basis of uprising, protest, rampage, or anarchy as a result of suspicion in integrity, transparency and questionable accountability in the political space.

Trust is a complementary unit for realization of good governance which is the art of leading, a group of people in an organization, a society or a nation at large by a leader through a skillful subordinates or designated public institutions in a proper and persistent engagement of the rule of law and order as entrenched in the constitution; the formal guides on how a society should be transparently administered with proper accountability and sense of running an inclusive society. However, where and when the context of such constitutional right of inclusive governance is abused, there comes the act of infraction of the law which is tantamount to corrupt behavior in governance. Hence, the need for the expression of a consensus among the followers, the governed or the people of the society to collectively agree that the leadership is found wanting for integrity defect. In such an instance, the society may withdraw their surrendered part of rights (trust, Amanah) reposed in the leadership by voting it out at the polls and get the leader and his party replaced as a consequence of mistrust. Amanah is the bedrock on which the choice for a particular leadership is built even if it is something not visible yet; action of Amanah in

human is felt by others upon which they decided to choose who is fit to lead them. For instance, why is it that in a society that constitutes millions of people of different backgrounds; only one person is desired as choice for the position of leadership/presidency in spite of the presence of other competent contestants and the other members of the society? It is because such a person may have possessed the qualities of leadership including Amanah that represents an uncommon core element in the qualities of leadership upon which people unanimously surrender part of their personal right to him who become a leader on quality of trust. People should reason very well that while vying for a position of leadership that other contestants for the same position must have possessed some qualities of leadership in them but any candidate chosen may be of outstanding qualities that withstand the test of doubt. Any positions of responsibility, whether social, public or private must be aligned with high degree of trust.

Shaykh Muhammad Saalih al-Munajjid (2016 October 10) explains that:

One should carry out such positions of trust and responsibility on a basis of truth and justice. A position of rulership is a trust, a judicial position is a trust, a management position in any organisation is a trust, responsibility for a family is a trust, and the same applies to all positions of responsibility.

The context of this study is to examine the laxity of Amanah in governance and the likely issues resulted in the context of leadership in Malaysia. Since Amanah (trust) has to do with the credibility in the area of accountability, transparency and loyalty of leader to win ultimate support of his followers, hence, his actions devoid of trust would possibly be consequential with immeasurable negative outcomes. This section examines the governance and the role of Amanah. (Dirks, 2000) explains that most empirical studies seem to conceptualize and measure trust as an expectation or belief that one can rely on another person's actions and words and/or that the person has good intentions toward oneself (e.g., Cook & Wall, 1980; Cummings & Bromiley, 1996; Dirks, 1999; McAllister, 1995; Robinson, 1996). As Mayer, Davis, and Schoorman (1995) and Rousseau, Sitkin, Burt, and Camerer (1998) have noted, trust is most meaningful in situations in which one party is at risk or vulnerable to another party.

#### **Governance:**

The concept has been defined as structures and processes that are designed to ensure accountability, transparency, responsiveness, rule of law, stability, equity and inclusiveness, empowerment, and broad-based participation (UNESCO 2017). However, the UNDP, the World Bank, the OECD Development Assistance Committee (DAC) and others define governance as the exercise of authority or power in order to manage a country's economic, political and administrative affairs. Katsamunskaja (2016) interprets Governance as the institutional capacity of public organizations to provide

public and other goods demanded by a country's citizens or the representatives thereof in an effective, transparent, impartial, and accountable manner, subject to resource constraints. According to (Susan Baker 2009), 'governance' refers to practices through which societies are governed. Governance deals with managing, steering and guiding action in the realm of public affairs, especially in relation to public policy decision making. More specifically, Miller Byron (2013) commented that our elected "governments" play a crucial role in the governance of our daily lives through the programs they enact and the laws they pass. Broadly, governance can refer to any sort of action taken by any sort of organization or group of individuals—for example, civic organizations, corporations, NGOs, and even markets—to coordinate and control how we act in our highly complex society. Governance is about establishing the "rules of the game" for how we live and interact. Study shows that transparency helps the organizations to gain reputation in form of benefit from trust the people reposed in the government. Hence, transparency and trust are positively associated to earn benefit for implementing open government and to ensure public trust.

**Corruption:**

The use of one's position to enrich oneself is corruption. Cambridge Advanced learner's Dictionary (2008) defines Corruption as Illegal, bad or dishonest behavior by people in position of power. Mollah and Uddin (2012) argue that corruption is a complex set of process involving human behavior and many other variables, some of which are difficult to recognize or measure. Wolfe and Gurgen (2000) in International Monetary Fund defined corruption as "abuse of authority or trust for private benefit. They explained it further as a temptation indulged in by both public officials and those in positions of trust or authority in private enterprises or non-profit organizations." World Bank (1997) explains that, corruption tends to flourish, when institutions are weak and economic policies distort market place. Klitgaard, (1988) argues that corrupt tendencies are in play when "agents (e.g. government leader) have a monopoly power over clients (e.g. the bureaucracy) or when agents have a great discretion, and when the accountability of the agents to the principal is weak".

Another systematic method of perpetrating corrupt behaviour is nepotism. Sullivan (2014 October 30) explained that due to favoritism or family ties, persons are hired into positions they are not qualified for (and those who are qualified are not considered for employment). However, he notes that, part of the reasons civil service was established include the act to eliminate nepotism in hiring. Nepotism, favoritism and cronyism have been criticized as being unprofessional (Abdalla, Magharabi - Raggad, 1998) in (Bute 2011). The preferential treatment remains part of daily life in developing countries despite



the fact that the developed world consistently adopts preventive legal measures (Boadi, 2000).

The Malaysian PM, Dr. Mahathir Muhamad mentioned on the issue of nepotism in governance to an audience at the community library that when leaders stayed in power for too long, nepotism tended to emerge. He was quoted to have said that “There is a tendency to keep it (the power) in the family, and that leads to absolute power and absolute power leads to absolute corruption.” Khaldun and Zein (2010) in *Islam and Democracy in Malaysia: Findings from a National Dialogue*, in reference to the experience and the perspectives of the forum participants, the participants from Sarawak complained that:

There were widespread corruption and cronyism; and that indigenous communities were deprived of their land rights. Politicians and their cronies were seen as biggest beneficiaries of growth and development: the participants held that the public received very little benefits from the development in the state... they participants from Kedah, Sarawak raised concerns about the transparency and effectiveness of the Malaysian Anti-corruption Commission (MACC).

However, the participants from Kelantan and Terengganu said:

here was no discernible corruption or malpractices. They however, emphasized that both government at state and federal ought to be knowledgeable, experienced and humane and to practice human rights properly. In Terengganu, participants were deeply critical of the “culture of corruption” especially among top officials and politicians. They said the disbursement of government contracts were directed towards close associates and confidants. (Khaldun and Zein, 2010: 85)

A survey carried out to measure the good governance in Malaysia, respondents were asked on their perception towards laws, media, and jurisdiction process in focus of corruption. 45% of the view that laws were being used to cover up evidence of corruption while 40% of the public though it was not true. However, more than 60% felt laws were being used to cover up evidence of corruption. Around one third or less Malays and Bumiputras felt the same way. Still on the perception of corruption, the general public felt that abuse of power is rampant in the government as this sentiment was strongly shared by the 83% of Indians as well as 78% of Chinese respondents as revealed by Executive summary (Khaldun and Zein, 2010: 141).

### **Effect of Corruption**

The World Bank in Mollah and Huddin (2012) argue that:

Baneful consequences of corruption on the economy include: Siphoning away a large chunk of public resources which could have been productively employed somewhere in the economy; undermining of productivity, efficiency and effectiveness of the government; diminishes efficient mobilization of

resources and management of development activities; gains through corruption used either in conspicuous consumption or transferred to foreign bank accounts; generates allocative inefficiency by permitting the least efficient contractor or most costly supplier with the highest ability to bribe; bribes and payoffs instead of expediting decisions and facilitating movement of files encourages civil servants to hold back all papers until some payment is made to them.

President Bush in 2001 was quoted by Kathleen M. Hamann of Anti-corruption and Good Governance Team during Remarks to the High-Level Meeting on Poverty, Equity, and Social Inclusion's Fourth Plenary Session Isla Margarita, Venezuela October 10, 2003 that:

The corruption of governmental institutions threatens the common aspirations of all honest members of the international community. He argues further that it threatens our common interests in promoting political and economic stability, upholding core democratic values, ending the reign of dictators, and creating a level playing field for lawful business activities.

New Star Times (2011 December 17) reports that mounting public sector expenses as a result of corrupt public sector officials siphoning off public funds meant for development can lead to the government printing money to finance the country's budget deficit.

### **Theoretical Perspectives on Trust**

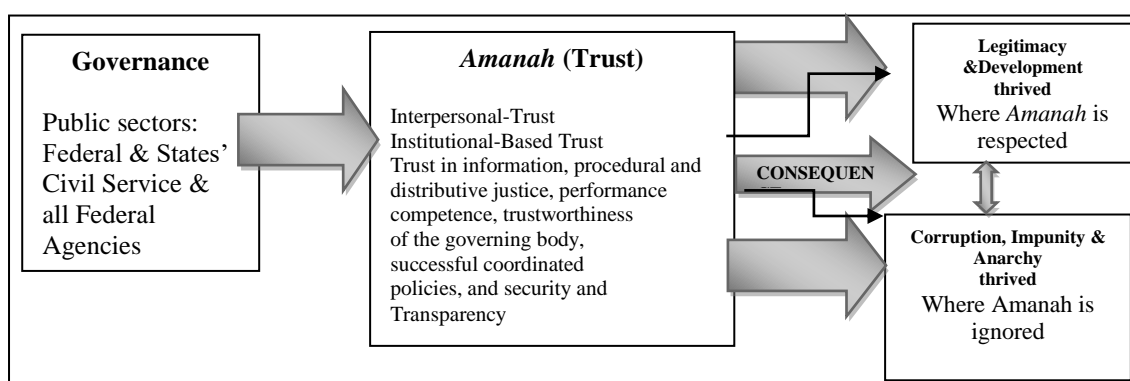
There are theories based on Trust (Amanah) relevant to this study. They are Institutional or Performance-based theory as well as the Cultural theory. The study may wish to operationalize the theories however, focus on institutional-based theory of trust as the study is basically on the roles of trust in governance.

Rousseau et al. (1998, p. 395) opines that trust (Amanah) is a psychological state comprising the intention to accept vulnerability based upon positive expectations of the intention or behavior of another while Mayer et al. (1995) concludes that 'irrespective of the ability to monitor or control the other party. Newton (2001: 202) reiterates that the actors of trust believe that, at worst, others will not knowingly or unwillingly do you harm, and at best, will act in his interest. However, (Jamil & Askvik 2016, p. 648) console that, a positive experience in dealing with another person possibly enhances trust and reduces vulnerability. Zucker in (Bachmann & Inkpen, 2011) has shown in her historical studies in the US-American socio-economic system of the 19th and early 20th centuries that institutional forms of behavioural coordination and control, such as institutional-based trust, are essential if the function of trust in inter-organizational relationships in differentiated modern business systems is to be understood. However, Bachmann and Inkpen are so particular about Zucker's research that explains institutional-based trust as a very important distinct form of trust (development) which necessarily involves macro-level

arrangements and can only to some extent be captured by insights transferred from interaction-based trust, i.e. trust built on the basis of repeated face-to-face contacts. The duo authors regard Zucker's work as the most important research on the micro aspects of trust. Institutional-based trust is a form of individual or collective action that is constitutively embedded in the institutional environment in which a relationship is placed, building on favourable assumptions about the trustee's future behaviour vis-à-vis such conditions. This is what the sociological view on trust highlights and what we refer to when we say 'institutional-based trust'.

In this context, it is important to note that in some parts of the literature, institutional-based trust denotes trust in institutions (where institutions, like for example the law, are the object of trust) but more often, the concept of institutional-based trust refers to the phenomenon that individuals or collective actors develop trust in the face of specific institutional arrangements in the business environment. Here, the author agree with the notion that trust in institutions, which is sometimes also referred to as societal trust (Barber 1983; Fukuyama 1995; Sztompka 1999) is usually a vital precondition of trust developed between firms and/or managers vis-à-vis powerful and reliable institutions (Child and Möllering 2003).

**Figure 1: Conceptual Framework of Governance and Implication of Amanah (Trust)**



Source: Author's Initiative

The Figure 1: Shows the list of some variables embedded in Governance, Amanah (Trust) in order for governance to be enhanced with legitimacy or be virtually engulfed in corruption. The Public sector is a set of the institutions administered by government. It contains the three arms of the government: The executive, parliaments and the judiciary while the Civil service and the government agencies are administered by the executive arm of the government. The extent at which the leadership of the three arms of

government was able to maintain ethical standards would have a vertically downward spillage along the hierarchical string of the administration. The expectant result of the implementation of Amanah (trust) is legitimacy; that is the positive support of the followership and the entire people of the country where Amanah is upheld and respected while corruption becomes the possible outcome as negative result of laxity of Amanah and Trust.

The implication of ineffective implementation of Amanah or its absence in the Malaysian government activities and the indulgence granted to the leaders at the helm of affairs of the governance account for accommodation of fragrant and indiscriminate use of power. This is to embark in abuse of office if the latest unprecedented corruption discovery under the watch of the former Prime Minister in the recent time will be outlawed by the Malaysia Anti-corruption commission as illegal and unacceptable behavior in the Malaysian public sector.

### **Lack of Amanah in Malaysian Leadership and the Consequence of Corruption Cases in Governance**

The current Malaysian Prime Minister, Dr Tun Mahathir Mohamad's basic reason for his comeback into politics after he ruled the country as Prime Minister for 22 years in his old age of 92 year-old is not unconnected to the Amanah that people reposed in him. His party, Pakatan Harapan (Alliance of Hope) formed a coalition with political parties such as Party Keadilan Rakyat, Party Warisan and Party Amanah in an intensively competitive 2018 Malaysian 14th General Elections against another coalition party Barisan Nasional (BN). The coalition that constitutes MCA, MIS and UMNO has ruled one of the leading and stable Southeast Asian countries since its independence from Britain in 1957 (Joseph Sipalan, 2018 May10). The unprecedented result of the election held Pakatan Harapan the winner of the elections with 112 parliamentary seats that constitutionally authorized it with the right to form the new government, while the opposition BN secured 78 seats and PAS secured 18 seats (Joseph Sipalan) in (Reuters 2018 May 10). The Pakatan Harapan, the winner of the majority seats in the National Assembly formed the government and produced the Prime Minister, a political tradition of Parliamentary System of government. This election scenario demonstrates the degree of importance of Amanah in leadership. A re-echo of some of the causes of fragrant violation of Amanah was whispered by a Member of Parliament. Wee Ka Siong in a recent Balakong by-election reported by Malaysia Kini (2018 September 8) said it is very significant that in neither the Balakong nor Seri Setia by-election campaigns that any leader of the alliance of MCA-UMNO-PAS said a word to condemn or repudiate the corruption and abuses of power of the previous...Government; in particular, the international 1MDB corruption and money-laundering scandal, which has given Malaysia the infamy, ignominy and iniquity of being a global kleptocracy.

## Some of the Identified Cases of Corruption in the Malaysian Public Sector 2008-2018 that caused a change in leadership

### Box: 1

#### **RM1.5 billion siphoned off projects meant to aid the poor**

KOTA KINABALU: More than 60 companies are being investigated in relation to the mishandling of federal-funded projects to benefit rural folk in Sabah. Malaysian Anti-Corruption Commission (MACC) deputy chief commissioner (operations) Datuk Seri Azam Baki said the probe had estimated that RM1.5 billion was mishandled from the RM7.5 billion allocated for projects for the past six years, between 2010 and 2015. Let us check how much is actually involved. We estimate that it is RM1.5 billion, but it is probably a little more than that. Three individuals were arrested, including Parti Warisan Sabah vice-president Datuk Peter Anthony. The investigations were focused on projects related to basic amenities, such as clean water supply, electricity and road links, which might not be properly executed, involving elements of corruption. "As for the companies, we are in the midst of interviewing some and locating others. Some are probably already closed, so we need to do a lot of work. MACC Chief Commissioner Tan Sri Zulkifli Ahmad. Azam said the investigation was triggered following the Sabah Water Department scandal, which was uncovered last year.

Source: [www.nst.com.my/news/crime/courts/2017/10/288261](http://www.nst.com.my/news/crime/courts/2017/10/288261)

#### **RM114mil seized from Sabah Water Department director and deputy**

KOTA KINABALU: It came as a shock to even the most seasoned graft-busters.

In the biggest ever seizure in its 49-year history, the Malaysian Anti-Corruption Agency (MACC,) recovered RM114mil from the top two officials of the Sabah Water Department – including RM53.7mil in cold hard cash that took more than 30 officers 15 hours to count. Also recovered from the homes and offices of the department's director and his deputy were nine mostly luxury vehicles, expensive watches, jewellery and 94 high-end handbags. The cash – RM45mil seized from the director and RM7.5mil from his deputy – was found stashed inside safes, cupboards, drawers and also a car boot, according to the MACC.

Image:

<https://video.unrulymedia.com/native/images/in-art-close-icon-128x128-16481b937f87b244a645cdbef0d930f8.png>

The two senior state civil officers were arrested yesterday and remanded for a week for investigations into alleged kickbacks involving RM3.3bil worth of federal projects. "It is the highest amount of cash we have ever recovered in our history as MACC or when we were known as the Anti-Corruption Agency," newly-promoted MACC deputy chief commissioner (operations) Datuk Azam Baki told a news conference here.

**Source:** <https://www.thestar.com.my/news/nation/2016/10/06/biggest-corruption-bust-ever-rm114mil-seized-from-sabah-water-department-director-and-deputy/#qRmq0y5zoM37C6mp.99>

**Box: 3****Kedah MACC seizes RM1.1 million found hidden in wall**

Bernama - January 19, 2017 11:29 PM-- <https://www.freemalaysiatoday.com/category/nation/2017/01/19/kehad-macc-seizes-rm1-1-million-found-hidden-in-wall/>

ALOR STAR: The Kedah office of the Malaysian Anti-Corruption Commission recovered RM1.1 million cash from the house of a senior assistant engineer who was arrested yesterday for alleged corruption. Kedah MACC director Mohd Fouzi Mohamad said a raiding team of 10 MACC officers found the money hidden in the wall of the master bedroom of the house in Guar Chempedak at 3pm.

“We believe there’s more money hidden in the house and the amount could go up to RM3 million,” he told reporters here. The 56-year-old engineer was arrested at his home at 11.30am yesterday for allegedly accepting bribes from contractors in connection with 30 roads maintenance and upgrading projects in the Sik district since 2012.

Fouzi said the MACC team found that the wooden walls of the master bedroom had been modified and, upon inspection, found the cash placed in chocolate tins and plastic containers. The suspect was remanded for seven days from today to facilitate investigations. Fouzi said statements from 20 witnesses had been recorded so far in connection with the case.

In one of the raids conducted by the Malaysian Anti-Corruption Commission (MACC) leading to the arrest of two Datuk Seri and a Datuk today, they found stash of money hidden all over the house including in the ceiling (World of Business) The bulk of the money, said to be some of the RM400, 000 recovered, was packed carefully in RM50 and RM100 notes and hidden in the ceiling, as officers from the graft commission inspected the house. Sources from the MACC told Malaysiakini the money was retrieved from a state Public Works Department director with the title of a 'Datuk' (Malaysia Kini, 2016 August).

## Box: 5

**Malaysian police says \$28.6 million cash found in apartment raid**

KUALA LUMPUR (Reuters) - Malaysian police said on Friday that cash worth 114 million ringgit (\$28.6 million) was found stuffed in 35 bags during a search of several apartments as part of an anti-corruption investigation into state fund 1Malaysia Development Berhad (1MDB). Malaysian police head of commercial crime, Amar Singh said 37 other bags were also found containing jewellery and watches. The values of these goods have not been calculated yet. Three apartments were raided in Pavilion Residences in Kuala Lumpur. Amar Singh said the ousted premier Najib Razak's son and daughter was living in the apartments, while a third apartment was unoccupied.

**Reuters, (2018 May 25). Retrieved from <https://www.reuters.com/article/us-malaysia-politics-police/malaysian-police-says-28-6-million-cash-found-in-apartment-raid-idUSKCN11Q0CY?il=0>**

- Police have finished counting valuables seized from properties linked to Malaysia's former Prime Minister Najib Razak.
- As well as \$28-million worth of cash, police seized 12,000 pieces of jewelry, 567 handbags, 423 watches, and 234 pairs of sunglasses.
- Najib lost a re-election bid last month after facing financial scandals related to the state investment fund 1MDB, which is missing billions of dollars.
- Najib has denied any wrongdoing but many voters were swayed by reports that hundreds of millions of missing funds were found in the prime minister's personal accounts.
- Valuables seized by police from properties related to former Malaysian Prime minister Najib Razak are worth up to \$273 million.

Tara Francis Chan, Business Insider US June 27, 2018

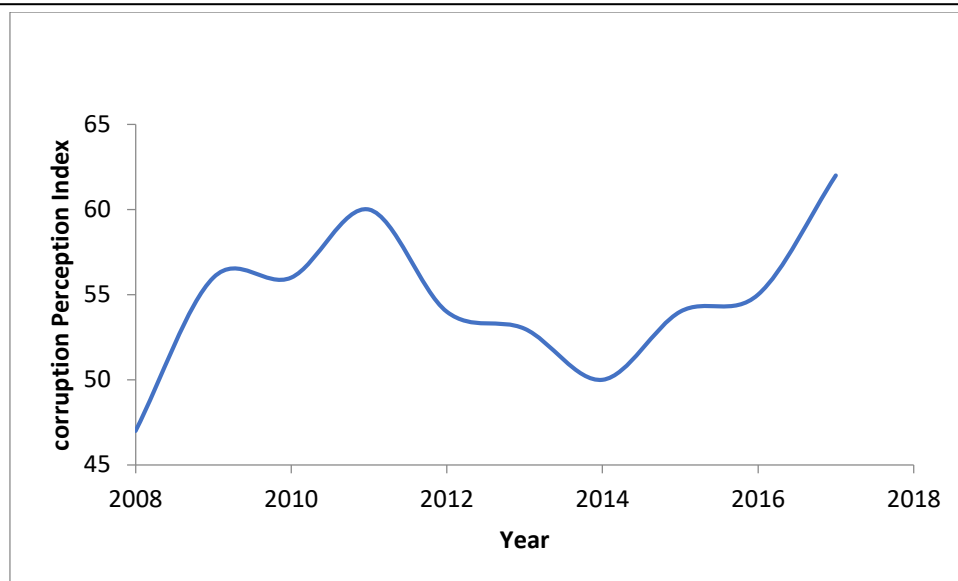


Figure 2: Graph showing Malaysian 2008-2017 Corruption Perception Index  
Modified from Transparency International

Figure 2: Shows the trend of the Public sector corruption in Malaysia from 2008-2017 in accordance to the (TI) Transparency International's ranking on corruption Perception index (CPI). TI is a non-profit organization that endeavours to measure the level of corruption in the public sector of many countries across the globe through survey conducted in each country. This ranking is based on certain criteria which include bribery of public servants, cuts in public procurement, embezzlement of public funds, and the effectiveness of the public sector's anti-corruption efforts (Akosile, 2011). The ranking in 2008 indicates that Malaysia was ranked the 47th most corrupt country in the world which was considered the least in 10 years of the administration while its ranking as 62nd most corrupt country in the world in 2017 implies an increase in the corruption perception in the Malaysian public sector.

## Findings

### Governance

The study found that Governance is not the art of administering the organization or public institutions for the purpose of delivering service to the people alone, neither solely based on how well the governing institutions work, but it also focuses on which institutions have been selected to perform governing functions. Importantly, which functions are assigned to which institutions can have huge implications on social justice and social equity? The study finds that the term governance has a lot of responsibilities to take care of in respect to the public as well as in any organization because it is the central



coordinating point of the public institution. Governance is identified as a process that must be run transparently with proper accountability to achieve the goals pertinent to people's general comfort for economic and social realization. Governance is found to be a concept corresponding to most of the management functions such as planning, controlling, coordinating and leading the use of human and non human resources with leadership abilities and qualities to produce a course towards realization of the organizational or institutional goals with cost effective and cost benefit in transparent manners. Therefore, governance is designed to carry out the entire public activities, based on the rule of law to achieve a commendable end results that are beneficial to all stakeholders.

### **Amanah (Trust)**

One of the key qualities of leadership is Amanah. Amanah (trust) is a characteristic in the human nature of every individual human being feeling that one good turn to someone would deserve another in return. Human endeavours and its importance are immeasurable and unquantifiable when carried out with trust. Amanah is not visible, however, its action, impact leaves undeniable inscription on the status of the leader, the organization or the society whose behaviour has a great impact in terms of fulfillment of leadership promises. Amanah facilitates confidence between the leaders and the subjects as each of the parties depend on the other on the expectation of doing the needful when and where it is expected. The Amanah is said to be an interpersonal link between people for unique implication at workplace. Hence, governance suffers no regression while interdependence between the principal and agents operate the organization or the society at large in harmonious relations. It is the concept of trust that facilitates perfect functioning institutional relations among the three tiers of government with efficient and effective intergovernmental relations with pro-people service delivery.

This study found that theoretical perspectives explicates that interaction based trust gives birth to the institutional based trust that facilitate inter organizational relationship. In the case of religious explanation of Amanah, the literature shows that trust is important and so people should enjoin what is right and forbid what is wrong. The study finds that when too much power is wielded by the leader, there exists a huge amount of unchallenged misuse of power and the rights of others could either be jeopardized or denied as ultimate authority in society. The wrongs may not be challenged especially when committed by the ultimate leader. In the consequence, the subordinates would uncontrollably commit atrocities at will and the system suffers from high magnitude corruption like that discovered in the leadership styles of Malaysian governance within the period of 2008-2018. In reference to the Case Box 1 and 2, the subordinates such as Directors at state level were caught in corrupt behavior ranging from money laundering, or concealing of funds

amounting to millions of Ringgit in various unauthorized places for safe keeping of self-interest. The Amanah (trust) is not treated as the driving force that facilitates good governance that wins the attention of the citizens to recognize and respect the leadership. There ceased a level playing ground for aggressive free intervention of the concept of checks and balances among the arms of the government since the PM determines who takes what, how and when as a leader of the government as well as the custodian of the finance portfolio not to mention the highest position he occupies in the 1 Malaysia Development Berhad (1MDB) organization. The study finds unconscious, flagrant use of administrative power in the polity that even go beyond the limit as PM's family was unofficially incorporates into the unauthorized use of the public funds procured from the tax-payers hard-earn incomes.

All these are impossible to actualize where Amanah (trust), the most important among the leadership qualities is absent. This has been described in various philosophical ways by many scholars and authors to show its characteristics and viability for attaining success in any endeavour. Amanah has been indicated as an expectation or belief that one can rely on another person's actions and words and/or that the person has good intentions toward oneself.

#### **Analysis**

The relevance of the research to some of the previous studies were identified in the work of Siddiquee (2007) who argues that accountability means answerability on the part of the public servants to be held responsible for their actions and performance at service. The same reason prompted the MACC calling the PM to explain the vague situation surrounding the 1MDB as a minister of finance in charge of the Bookkeeping and other financial transactions of the government of Malaysia within 2008-2018. To give explanation about stewardship does not mean a witch-hunt except where misappropriation is unexplainable. This is the core credibility of upholding and implementing the concept of Amanah (Trust). Where and when leadership fails to present and defend convincing clear expression with high degree of transparency under proper accountability of the record of service delivery, then governance can never be said to be just and that explains the existence of corrupt behavior. In reference to the observation of Mayer, Davis, and Schoorman (1995); Rousseau, Sitkin, Burt, and Camerer (1998) that trust is most meaningful in situations in which one party is at risk or vulnerable to another party directly show that the principal; the people of Malaysia were at risk as the agent; the leadership of the government is under scrutiny of vague stewardship in governance that demands explanation. It was believed by the people that the essence of putting Amanah (Trust) under the watch of the leadership in public office has been violated. There were evidences to vindicate the feelings of people as being extorted when the news of corruption went viral in the media such as in Box 1, 2 and 3 on cases of laundering of

money illegally embezzled from contracts awarded as federal-funded projects. There were scenes such as those in Boxes 1-5 showing Public officers being caught empirically with the money piled and stuffed in the walls of the living-rooms and those neatly piled on house roof, neatly packed boxes, office drawers and cupboards by the Malaysia Anti-corruption Commission (MACC). These are the part of the empirical evidences revealing that corruption is flourishing in the Malaysia public service domain and consequently, the electorate shifts their ground at the polls during Malaysia General Election of G14 when they discovered their Amanah (Trust) and interest reposed in the 70 years domineering ruling party has become distrustful.

The theoretical perspectives of the institutional-based trust build up its root from interpersonal-based trust where every individual is being carried along with the responsibilities of the governance. This provides the opportunity for the members of the ruling elites to share ideas and formulate policies in line with manifestoes of the ruling party with high degree of transparency and proper accountability. But in the case of Malaysian political leadership, the study found that the Prime Minister such as Mahathir Mohamad in (1998-1999) and (2001-2003) stepped in as the Finance Minister, (Malaysia Kini, 2018 Feb. 7) Abdullahi Badawi held the post of First Finance Minister and only took charge of policy matters while a second Finance Minister Nor Mohamed Yakcop formally top Bank Negara officer and economic advisor to the minister managed the day-to-day affairs of the Ministry and Prime minister (Khoo, 2010: 225) Mr. Najib Razak held the portfolio of the Finance Minister together with the post of Prime Minister during his 10 years rule. Obviously, this method of power centralization within the purview of the Prime Minister may not allow for involvement of some experienced technocrats and career civil servants to play crucial roles on how the interaction of economic policies with the implementation of finance that can result to commendable economic development for the benefit of the entire citizens and the country. The government leaders always look for policies that would build propaganda for their political carriers instead of people oriented programmes. That is one of the reasons some statesmen and experienced government functionaries do not like to work under the authority of corrupt, unpopular or authoritative leadership because they would be uncomfortable to have free hands in policy initiatives hence, their regime is not progressive locally and internationally.

The theoretical perspective does not support a leader that wields a lot of power or influence as such opportunities have been persistently abused at the end because it does not allow for inter-personal and collective responsibility of the high-level officers where every policy-maker is allowed to contribute by studying the policy agenda, contribute knowledge in technical and scientific ideas on the financial commitments toward the public policy implementation.

Hence, institutional-based trust could not be practically institutionalized in the public institution where only the Prime Minister decides on financial matters. The unilateral decision-making such as the need to earmark a particular amount of money for certain approved projects remains under the purview of the Prime minister. This is contradictory to the definition of Amanah that places hope in the other party which is expected to reciprocate goodwill accorded him by the first party, hence, the citizens are put in the dark on who decides what and how in governance. As far as governance thrives in the pool of trust, non-decentralized power would definitely obstruct transparency in governance because the PM may not be questioned or challenged by any of the subordinates if hitches are identified in administration. At the same time, he represents the only financier to such project while he continues to oversee other commitments; hence such projects could suffer proper scrutiny and transparency. This centralized power made it possible for the Prime minister, who also managed the portfolio of the Minister of Finance as well as that of the president of the UMNO, the strongest component party of the BN coalition. He calls the shots; hence, he can unilaterally hire and fire as far as he remains the leader of the BN ruling coalition. For instance, Malaysian today, (2018 June 12) reported that The Pakatan Harapan government discovered in classified documents that in one instance, a former minister turned adviser to the Prime Minister's Office was paid RM200, 000 a month – about 10 times the salary of the prime minister. Furthermore, many of the officials were in the (RM70, 000-RM200, 000) salary bracket. However, only one of those officers who took home a salary of RM200, 000 a month was discovered so far. Therefore, other policy-makers such as those whose position are lower to that of the Prime Minister as well as the entire parliament may not find it comfortable but couldn't challenge or quarry the PM's unilateral policy as his party maintained absolute majority in the parliament while he remains generous with those who could confront his decisions. Hence, such situation is a tendency that can increase support for corrupt regime with no challenge in the public sector as a result of unlimited power wielded by the PM. Institutional-based trust is a form of individual or collective action that is constitutionally embedded in the institutional environment through which a relationship is facilitated among the stakeholders. The issue of trust (Amanah) is what the followers expect in return as reciprocals of the mandate offered the leader with the belief that he/she would carry out transparent governance that would ensure public interest in the area of social and economic empowerment while in office as leader of the government. This study is similar to (Dirks 2000) which explains that most empirical studies seem to conceptualize and measure trust as an expectation or belief that one can rely on another person's actions and words. These are part of the motives behind the electorates' vote for a particular candidate among many presented aspirants that contested the

post of leadership in government. Where such trust is not reciprocated, there is the question that people are being put in darkness so, the government may be accused of none transparent activities in the public sector. The bulk of news and court cases with many number of charges against the Prime Minister Najib Razak despite not yet being proved guilty have shown that integrity of the PM is in question because the Amanah (trust) is not properly applied.

In figure 2, the graph shows upward steep gradient within 2008-2011 of the Transparency International's Corruption Perception Index measures for Malaysia. This indicates a sign of increasingly uncontrollable corrupt practices. It is a crystal clear sign that the corrupt behaviour was not properly checked or put under control in the last 10 years of the BN-led government (2008-2018). The reflection was the outcome of 1MDB corruption scandal that gulps the unaccounted billions of Ringgit of tax payer's money.

### **Contribution and Conclusion**

TI maintained that: - Many are not aware that MACC does not have the power to initiate prosecution for offences of corrupt practices; they only have the power to investigate. It is not true that MACC has been selective in the prosecution especially those involving politicians. In Malaysia, only the Attorney-General (AG) can decide on the prosecution. Article 145(3) of the Federal Constitution expressly states that the Attorney-General shall have power, exercisable at his discretion, to institute, conduct or discontinue any proceedings for an offence, other than proceedings before a Syariah court (referred to Malaysian Shari'ah courts), a native court, or a court martial. Thus, the AG must be fair in making purely non-selective decisions, his role should be apolitical and no one should be made to doubt his decisions as whether such are in the interest of the nation. Judges should play a vital role by sponsoring anti-corruption bill that would set stringent deterrence for offenders while imposing maximum penalty against the accused once found prosecuted and accidentally caught again being guilty of corruption for the second time in efforts to prevent repeat offenders and also to send out a strong message to others not to indulge in corruption. Malaysian Kini news (2018 September 8) reports the reality statement of Dr. Mahathir Mohamad in an interview granted when Bersatu celebrates its second anniversary of what politics of new Malaysia should look like under Pakatan Harapan. He warned that, the party Bersatu could be rejected by voters as had happened to Umno if its leaders adopt self-serving ways of the old party as such practices could also lead to Bersatu's exit from the ruling Pakatan Harapan coalition once he is no longer around. In his further statements, he revealed that "What ruined Umno were corruption and other practices. If we become a party that is consumed by greed, we know we will be rejected by the people." This frantic statement is a future preventive measure to which the Pakatan Harapan must adhere if the

party really wants to make a huge, long history of commendable political leadership.

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